

KAPLAN-5

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THE NEW YORK CITY DISTRICT COUNCIL  
OF CARPENTERS PENSION FUND, NEW  
YORK CITY DISTRICT COUNCIL OF CARPENTERS  
WELFARE FUND, NEW YORK CITY DISTRICT  
COUNCIL OF CARPENTERS VACATION FUND,  
NEW YORK CITY DISTRICT COUNCIL OF  
CARPENTERS ANNUITY FUND, NEW YORK CITY  
DISTRICT COUNCIL OF CARPENTERS  
APPRENTICESHIP, JOURNEYMAN RETRAINING,  
EDUCATIONAL AND INDUSTRY FUND, NEW YORK  
CITY DISTRICT COUNCIL OF CARPENTERS CHARITY  
FUND, and THE NEW YORK CITY AND VICINITY  
CARPENTERS LABOR MANAGEMENT  
COOPERATION FUND, by MICHAEL J. FORDE  
and PAUL O'BRIEN, as TRUSTEES,

07 CV 4041 (LAK)  
ECF CASE

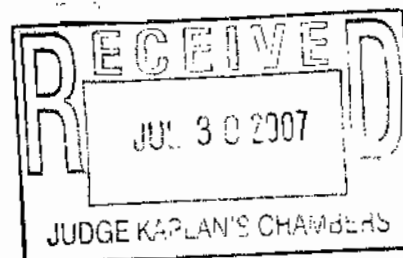
**NOTICE OF  
DISMISSAL**

Plaintiffs,

-against-

KYLE CONSTRUCTION, LLC.,

Defendant.  
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PLEASE TAKE NOTICE, that pursuant to Rule 41 (a)(1) of the Federal Rules of Civil Procedure, plaintiffs THE NEW YORK CITY DISTRICT COUNCIL OF CARPENTERS PENSION FUND, et al., hereby dismiss the above-captioned action against the defendant, KYLE CONSTRUCTION, LLC., without prejudice and without costs to any party.

Dated: New York, New York  
July 25, 2007

Yours, etc.,

O'DWYER & BERNSTEIN, LLP

By: 

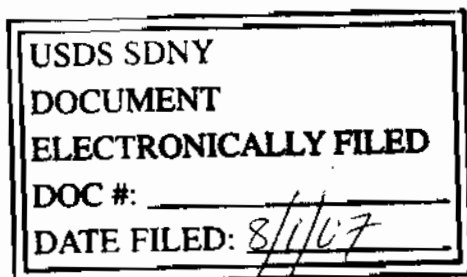
ANDREW GRABOIS (AG 3192)

Attorneys for Plaintiffs

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New York, New York 10007

(212) 571-7100



**SO ORDERED:**

AUG 1 2007

  
U.S.D.J.

HON. GEORGE B. DANIELS